

FLSA-268

December 18, 1970

This is in reply to your letter of December 14, 1970, requesting an opinion be sent to you as to the applicability of the Fair Labor Standards Act to the following question, submitted by ***, for whom you are consultant.

"If an employer should initiate a procedure requiring an employee to walk with the employee's time card from the time clock at the plant gate to the employee's supervisor at the work site and the employee chooses to punch in early, must the employer pay the employee for the time of such walk?."

It is stated that "reaching the supervisor's post would not require a detour from the usual path between gate and job site, and the act of leaving the card with the supervisor would require only a trifling time. No employee would be required to punch in at the gate before the shift began, which is also when work would actually start at the job site. If an employee chose to punch in at or before the beginning of his shift, he would be paid for the full shift, even though when it began he would still be walking from the gate to the supervisor's post and job site. No matter how long before the beginning of the shift he might choose to punch in, he would not be paid before the beginning of the shift. There is no contract or custom providing that the time of walking from the gate to the supervisor's post with his card, if he punches in before the shift starts, will be compensable."

Under the circumstances outlined in the letter from ***, ***, and ***, dated December 8, 1970, such travel time would not be considered hours worked within the meaning of section 4 of the Portal to Portal Act.

Sincerely,

Robert D. Moran
Administrator

Enclosure